



State of South Carolina

Office of the Governor

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GOVERNOR

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December 15, 2004

The Honorable David H. Wilkins
Speaker of the House of Representatives
Post Office Box 11867
Columbia, South Carolina 29211

Mr. Speaker and Members of the House:

I am hereby returning without my approval H. 3891, R-413, a bill containing various sections relating to the creation of an acupuncture advisory committee, billing practices for anatomic pathology services, and registration requirements for cardiovascular invasive specialists. I am vetoing this bill because I believe it is unduly burdensome and imposes unnecessary regulatory restrictions on the affected professions. Identical versions of Section 6, which provides registration requirements for cardiovascular invasive specialists, were also passed by the General Assembly in H. 4455, R-417 and in H. 4821, R-430 which I vetoed on December 6, 2004.

Section 6 of this bill establishes a new regulatory program which requires state certification for cardiovascular invasive specialists, which is in addition to their current national certification requirements. South Carolina is the first state to pass such legislation for this specialty. According to Cardiovascular Credentialing International, the credentialing organization for this specialty, H. 3891 actually imposes more restrictions to practice as an invasive specialist than the current national certification guidelines and would de-certify a significant number of cardiovascular invasive specialists who now have certification. As I pointed out in my veto messages for H. 4455 and H. 4821, I believe the existing national certification standards provide sufficient safeguards without becoming a barrier to entry into this specialty profession.

While I recognize the value of some alternative medicines, I have concerns with the portions of this bill which would create a new Acupuncture Board. The Department of Labor, Licensing, and Regulation (LLR) believes that our laws already provide for sufficient oversight of the acupuncture profession through the State Board of Medical Examiners. As we have only had one action filed against an acupuncturist in the past 23 years, a compelling public need does not appear to exist to create yet another oversight board in South Carolina.

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I also have some concerns with Section 5 of this bill, which would prevent anyone other than the testing pathologists to bill for anatomical pathology tests. Preventing physicians who have direct client contact, such as gynecologists and family practitioners, from being able to bill their clients directly could add another level of inefficiency to our health care system and interferes with the free market. I have been consistent in my beliefs that the free market should dictate professional practices when there is no great public safety concern. In the case of billing practices, it seems that the health care marketplace, rather than government, could resolve any issues associated with how these services should be billed.

My veto of H. 3891 stems from my fundamental belief in the need to limit the scope of government. In my veto letters regarding H. 4455 and H. 4821, I quoted from President Ronald Reagan's first inaugural address when he said that "government can and must provide opportunity, not smother it; foster productivity, not stifle it." I believe that the enactment of this legislation would also serve to unnecessarily smother opportunity and stifle productivity for some South Carolinians.

Sincerely,

A handwritten signature in black ink, appearing to read 'MS', is written over the word 'Sincerely,'.

Mark Sanford